

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

Status of the Claims

Claims 1-12 are now present in this application, wherein claims 5-10 have been withdrawn from consideration. Claims 1, 5-7 and 10 are independent.

In the present Amendment, claims 11-12 have been added, and claims 1, 2, 4, 5 and 7 have been amended.

No new matter has been added with the present amendments and new claims. The amendments to claim 1 delete the preferred embodiment recited within, and are otherwise editorial in nature. The remaining amendments are clarifying in nature and not narrowing in scope. By deleting/amending these terms in order to clarify the claimed invention (e.g., “where” to “wherein”), Applicants in no way are conceding any limitations with respect to the interpretation of the claims under the Doctrine of Equivalents. New claims 11-12 have support in original claim 1. Applicants note that at least new claim 11 is directed to the elected subject matter.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw the only rejection and allow the currently pending claims.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statements filed March 16, 2006 and December 3, 2009, and for providing Applicants with initialed copies of the PTO-SB08 forms filed therewith. Regarding the 2006 IDS, though reference "CA" was crossed-out by the Examiner, this reference is the same as reference "CB".

Rejection Under 35 U.S.C. § 112, 2nd Paragraph

Claims 1-4 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, as stated in subparagraphs a.-c. on page 4 of the Office Action. This rejection is respectfully traversed.

Regarding subparagraphs a. and b. of the Office Action, Applicants respectfully refer the Examiner to the disputed claims as shown herein. For instance, "R2" has been changed to "R₂" for formula II.

Regarding subparagraph c. of the Office Action, Applicants have deleted "e.g." and the specific suitable amino protecting groups that appear after "e.g.". Still, Applicants note new claim 11.

Thus, Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Reconsideration and withdrawal of this rejection are respectfully requested.

Rejoinder

Applicants note paragraph 2 of the Office Action. It is believed that claims 1-4 and 11 are in condition for allowance. Thus, rejoinder of the withdrawn claims, as well as allowance of new claim 12, are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

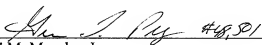
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez, Registration No. 48501 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

Reply to Office Action of March 11, 2010

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By  #48,901
Gerald M. Murphy, Jr.
Registration No.: 28977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000